



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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JUN 17 2004

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THE ADMINISTRATOR

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, DC 20515

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TD9531

Dear Mr. Speaker:

I am pleased to submit the enclosed report on the Environmental Protection Agency's (EPA) Fiscal Year 2002 implementation of the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act. The report is required under Section 23(a)(2) of the Act.

The report summarizes the activities and progress EPA has made in fulfilling its responsibilities under the Act and outlines the resources dedicated by the Agency to meet its commitments. Note that the WIPP facility began receiving transuranic radioactive waste on March 26, 1999, and as of March 24, 2003, five major waste generator sites were approved by EPA to ship waste to the WIPP.

If you have any questions or comments regarding the enclosed report, please do not hesitate to contact me.

Sincerely,

Michael O. Leavitt

Enclosure

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SPEAKER'S ROOMS
U.S. HOUSE OF REPS.



Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act

FY 2002 Report to Congress

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I. EXECUTIVE SUMMARY

On May 13, 1998, the U.S. Environmental Protection Agency (EPA or the Agency) certified that the Waste Isolation Pilot Plant (WIPP) can safely contain transuranic (TRU) radioactive waste and complies with EPA's radioactive waste disposal standards. On March 26, 1999, the WIPP facility began receiving radioactive waste. The WIPP is the nation's first geologic facility designed for permanent disposal of TRU radioactive waste that was generated as a result of U.S. defense activities.

EPA has an ongoing oversight role at the WIPP to verify independently that it continues to protect public health and the environment by ensuring that DOE maintains and operates the facility in a safe manner and that the facility continues to comply with our radioactive waste disposal standards. EPA's main oversight activities include:

- Conducting audits and inspections;
- Evaluating changes in the WIPP's activities; and
- Recertifying the safety of the WIPP.

As of summer 2002, five waste generator sites were approved by EPA to ship waste to the WIPP for disposal: (1) Los Alamos National Laboratories in New Mexico, (2) Rocky Flats Environmental Technology Site (RFETS) in Colorado, (3) Idaho National Engineering and Environmental Laboratory (INEEL), (4) Hanford Site in Washington, and (5) Savannah River Site (SRS) in South Carolina. In addition, SRS was approved to ship waste to the WIPP via the Central Characterization Project (CCP), which was established by DOE to augment the ability of TRU waste sites to characterize and certify the waste in accordance with EPA's WIPP Compliance Criteria. These sites may ship transuranic wastes that are characterized using only EPA-approved processes. Specific activities are summarized below.

Listed are the highlights from EPA's WIPP program, for Fiscal Year (FY) 2002:

- In November 2001, inspected Sandia National Laboratories (SNL) to verify compliance with quality assurance (QA) requirements. Improvements were needed in procurement procedures and the storage and handling of site characterization borehole cores.
- In December 2001, inspected the waste characterization (WC) processes of Savannah River Site (SRS) for an expanded set of waste streams. The Agency determined that some improvements were required for the additional WC processes before approval could be issued.
- In December 2001, inspected the WC processes of Hanford. The Agency approved the new WC processes to characterize contact-handled debris and solid waste.
- In January 2002, EPA approved the installation of the Majorana Project at the

WIPP. The Majorana Project is an astrophysics experiment unrelated to any of the facility's disposal operations. It was accepted based on a comprehensive assessment of potential environmental, industrial hygiene, safety, and operational impacts developed during WIPP's routine project review and approval process.

- In January 2002, audited the QA program of DOE/Carlsbad Field Office (CBFO), and determined that CBFO's QA program lacked sufficient resources (namely, additional personnel), which was preventing CBFO staff from completing activities and internal commitments in a timely manner. Conducted three follow-up audits (in late January, February and May) and verified that CBFO had corrected the problem.
- In January 2002, EPA approved the installation and mining of a ventilation overcast in the WIPP.
- In February 2002, conducted a continuing compliance inspection of Rocky Flats Environmental Technology Site (RFETS). The Agency reviewed certain WC processes to ensure they were being properly maintained.
- In February 2002, inspected the WC processes of Los Alamos National Laboratory (LANL). The Agency approved new WC processes used to characterize contact-handled debris and solid waste.
- In February and March 2002, audited the QA Program of RFETS in Colorado, and determined that it was properly maintained. The March inspection verified implementation of corrective actions for findings of non-conformance that were identified in February.
- In April 2002, inspected the WC processes of Idaho National Engineering and Environmental Laboratory (INEEL). The Agency approved the new WC processes used to characterize newly generated debris waste and homogeneous solid waste.
- In June 2002, inspected the WC processes of RFETS. The Agency approved new WC processes used to characterize newly generated debris waste and retrievably stored debris and homogeneous solid waste.
- In June 2002, inspected the QA program of the Hanford site, and determined that it was properly maintained.
- In June 2002, completed evaluation of DOE's FY 2001 Annual Change Report and notified DOE that the changes to the WIPP program were not significant and did not require a modification, suspension, or revocation of the WIPP Certification Decision.

- In June 2002, inspected the WC processes of Hanford. The Agency approved new WC processes used to characterize debris and solid waste.
- In June 2002, inspected the WIPP site and verified compliance with the monitoring and waste emplacement requirements of the certification, and with Subpart A requirements of 40 CFR Part 191.
- In July 2002, inspected the QA program of the WIPP facility, and determined that it was properly maintained.
- In August 2002, inspected the WC processes of LANL. The Agency approved new WC processes used to characterize debris and solid waste.
- In August 2002, inspected the QA program of INEEL and determined that it was properly maintained.
- In August 2002, inspected the QA program of LANL, and determined that it was properly maintained.
- In August 2002, EPA completed a detailed technical review of WIPP performance assessment parameter and computer codes in preparation for recertification.
- In September 2002, inspected the WC processes of the Central Characterization Project (CCP) as they apply to Argonne National Laboratories-East (ANL-E). EPA determined that the CCP at ANL-E was unable to adequately characterize debris waste with respect to Acceptable Knowledge (AK), and improvements were needed before issuing approval.
- In September 2002, inspected the QA program for the CCP at ANL-E, and determined that the site has properly established and implemented its QA Program.
- In September 2002, inspected the WC processes of the CCP as they apply to the Nevada Test Site (NTS). The Agency approved applicable WC activities at NTS and the shipment of contact-handled, retrievably-stored debris waste to the WIPP.
- In September 2002, inspected the QA program of the CCP at NTS, and determined that the site has properly established and implemented a QA Program at NTS.
- Informed the public of EPA's ongoing oversight activities of the WIPP through four public dockets in New Mexico and Washington, DC, a toll-free information

line, a WIPP web page, and a periodic newsletter.

- Held four technical meetings throughout the year with DOE to discuss potential program changes, mainly focusing on recertification preparation and related activities.
- Provided oversight and technical assistance to the State of New Mexico in implementing the RCRA permit for the WIPP.

In FY 2002, EPA funded 9 in-house staff positions at EPA Headquarters and EPA's Region 6 office in Dallas, TX and obligated contract dollars in the amount of \$557,281.41 to fulfill our responsibilities under the WIPP LWA.

II. INTRODUCTION

With this report the U.S. Environmental Protection Agency (EPA or the Agency) complies with the requirement in Section 23(a)(2) of the Waste Isolation Pilot Plant Land Withdrawal Act, Pub. L. No. 102-579 (the Act), which requires EPA to submit an annual report to the Congress "on the status of, and resources required for the fulfillment of the Administrator's responsibilities under this Act."

The Act, as amended in 1996, gives EPA the authority to oversee many of the Department of Energy's (DOE) activities at the Waste Isolation Pilot Plant (WIPP) throughout the facility's operational and decommissioning phases. The WIPP, located in southeastern New Mexico, is operated by DOE as a long-term geologic disposal facility for transuranic radioactive wastes. Transuranic wastes are long-lived radioactive wastes generated as by-products from nuclear weapons production and decommissioning.

The Act requires EPA to take the following regulatory actions:

- Issue Radioactive Waste Disposal Standards
Develop environmental radiation protection standards for the disposal of spent nuclear fuel, high-level waste and transuranic radioactive wastes, which will apply to all potential disposal sites except the site identified by Section 113(a) of the Nuclear Waste Policy Act, as amended (completed 09/19/1985, 40 CFR Part 191).
- Develop Compliance Criteria
Establish criteria to determine whether the WIPP will comply with the Agency's radioactive waste disposal regulations (completed 02/01/1986, 40 CFR Part 194).
- Conduct a Compliance Certification
Certify by rulemaking whether or not the WIPP complies with the Agency's radioactive waste disposal regulations (completed 05/18/1998, 63 FR 27354).
- Recertify Periodically
Determine every five years whether or not the WIPP facility continues to be in compliance with the Agency's radioactive waste disposal regulations (recertification process due to begin by March 2004).

In addition to these regulatory actions, EPA must determine whether documentation submitted by DOE pursuant to Section 9(a)(2) of the Act demonstrates continued compliance with environmental laws, regulations, and permit requirements as described in Section 9(a)(1) of the Act.

This report summarizes EPA's activities during FY 2002 (October 1, 2001 -

September 30, 2002) to fulfill its responsibilities under the WIPP LWA and to provide independent regulatory oversight of the disposal of radioactive waste at the WIPP. EPA has submitted such reports to Congress each year beginning in 1992, with the passage of the WIPP LWA. For a description of EPA's WIPP activities and accomplishments prior to FY 2002, please refer to these previous reports.

III. EPA's WIPP Regulatory and Oversight Activities

A. Management

The Office of Radiation and Indoor Air (ORIA), which is in the Office of Air and Radiation (OAR), is charged with the primary responsibility for implementing the Act and ensuring that EPA's oversight responsibilities are performed in a timely and scientifically credible manner. Other EPA offices with significant roles are the Office of General Counsel (OGC) and EPA Region 6. Region 6, together with the State of New Mexico, regulates the WIPP's compliance with the Resource Conservation and Recovery Act (RCRA). Region 6 also oversees DOE's demonstration of compliance with all other applicable Federal environmental laws.

Within ORIA, the Center for Federal Regulations in the Radiation Protection Division (RPD) executes most of EPA's responsibilities under the Act. RPD's Outreach Team leads EPA's WIPP public outreach efforts. Staff-level implementation of the Act is coordinated through an intra-agency work group established by RPD.

B. Resources

The Act authorized DOE to transfer funds appropriated for environmental restoration and waste management to the EPA through the year 2001 for fulfilling the responsibilities of the Administrator under the Act. Since 2001, DOE, although not required, has transferred multi-year funds to EPA through interagency agreements (IAG) to support its oversight of the WIPP. The most recent IAG was entered into in September 2002. Under this new IAG, DOE provided \$586,000 to support travel for EPA's continuing regulatory oversight of the WIPP for the next ten years, including conducting quality assurance and waste characterization inspections and attending various WIPP-related technical meetings. The resources required to fulfill EPA's responsibilities under the Act are highly dependent on DOE's schedule and can fluctuate greatly from year to year because of the number of sites requiring inspection each year, changes DOE proposes to make to the WIPP, and the required recertification every 5 years.

C. Continuing Compliance

In 1998, EPA certified that the WIPP will comply with 40 CFR Part 191 and 40 CFR Part 194, thus allowing the opening and operation of the WIPP. EPA continues to monitor the WIPP's compliance with EPA's radioactive waste disposal standards. This oversight includes conducting audits and site inspections, reviewing annual change reports, and determining every five years if the WIPP should be recertified.

Recertification

EPA is preparing to conduct the first "recertification" of the WIPP to evaluate the WIPP's continued compliance with the compliance criteria and disposal regulations. Under the LWA, DOE must submit documentation of continued compliance no later than March 2004, five years after initial receipt of waste at the WIPP. Documentation submitted by DOE will be made available in EPA's dockets, and there will be a public comment period of at least 30 days. We will conduct our recertification evaluation based on the results of our continuous oversight of the WIPP, on complete documentation provided by DOE, and on public input. The Agency's decision on recertification will be announced in the *Federal Register*. EPA must issue its decision on recertification no more than six months after the Agency determines that DOE's recertification application is complete. EPA will continue to conduct recertifications every five years until the end of the decommissioning phase.

The Agency is working with DOE to develop a strategy for completion of recertification. In December 2000, we sent DOE the "Guidance to the U.S. Department of Energy on Preparation for Recertification of the WIPP with 40 CFR Parts 191 and 194." The recertification guidance addressed four topics: (1) Content of the recertification application; (2) Documentation and format requirements; (3) Recertification time-frame and evaluation process; and (4) Change reporting and modification. We placed this guidance in our public docket and distributed it to key stakeholders who will be involved in recertification.

In addition, EPA has met with DOE on numerous occasions to discuss issues associated with recertification planning. Four such meetings were held in FY 2002 with representatives of the New Mexico Environmental Evaluation Group in attendance. Notes of the meetings and related documents are placed in EPA's public dockets.

In 2002, EPA initiated a number of technical and detailed review meetings with DOE to begin to prepare for recertification of the WIPP in 2004. The nature of these interactions was to identify any changes related to the original certification that may need to be included or updated as part of the recertification process. This was done so that EPA could verify that DOE continues to be in compliance with applicable regulations at WIPP. As a result of these interactions EPA sent a number of guidance letters to DOE outlining the Agency's expectations and issues that need to be addressed before the recertification process can be completed successfully.

Change Reports

EPA requires at 40 CFR 194.4(b)(4) that DOE report any planned or unplanned changes in activities or conditions on which EPA's Compliance Certification decision was based. EPA provided DOE with reporting guidance on September 30, 1998, and placed it in EPA's public dockets. EPA reviews information about the changes and determines whether the initial certification should be modified, suspended, or revoked.

Sometimes DOE may want to make changes to their activities to make improvements or increase efficiency. In many cases, these changes are insignificant. The Agency may ask for public comment to assist in its review. Records of changes to the WIPP that EPA has reviewed since 1998 have been placed in the public dockets.

EPA evaluated DOE's FY 1999 and FY 2000 annual change reports and determined that the changes did not require a modification, suspension or revocation of EPA's certification decision. DOE submitted its FY 2001 change report to EPA on November 13, 2001. EPA reviewed this report and notified DOE on June 13, 2002, that the changes did not require a modification, suspension, or revocation of EPA's certification decision. A majority of the changes described in the report were associated with modifications to written plans and procedures, required monitoring activities, and upcoming changes that DOE is considering. For future reports, EPA asked DOE to identify the amounts of key waste components (such as radionuclides) disposed to date. DOE submitted its FY 2002 change report to EPA on November 19, 2002. EPA is reviewing the report and plans to notify DOE whether the changes are significant by the Summer of 2003. DOE is required to continue reporting annually planned and unplanned changes pursuant to 40 CFR 194.4(b)(4).

Quality Assurance Audits

EPA requires DOE (§ 194.22) to establish and implement a quality assurance (QA) program for all items and activities important to the management and containment of transuranic waste in the disposal system. DOE's QA program must implement specific Nuclear Quality Assurance (NQA) standards and requirements issued by the American Society of Mechanical Engineers (ASME). Quality assurance is a process for DOE to independently verify the reliability of technical data and analyses.

The Agency verified that DOE established these QA requirements in the Quality Assurance Program Document (QAPD) included in the Compliance Certification Application for the WIPP. The QAPD is the documented quality assurance program plan for the WIPP project, as a whole, to comply with the NQA requirements. The QAPD is maintained by the QA Organization of DOE's Carlsbad Field Office (CBFO), which has the authority to audit all other organizations associated with TRU-waste disposal at the WIPP to ensure that their lower-tier quality assurance programs establish and implement the applicable requirements of the QAPD. The other DOE organizations such as the generator sites, which characterize waste for disposal in the WIPP, must have site-specific quality assurance plans.

Once EPA has approved the QA program of a particular site, we have inspected it on an annual basis to verify that the program is properly maintained. In 2002, EPA completed quality assurance inspections at the five major waste generator sites that are approved to ship waste to the WIPP and found that they were properly maintaining their quality assurance programs for waste characterization.

The EPA also annually audits DOE's quality assurance program at CBFO and the WIPP site. In FY 2002, EPA performed an independent audit of CBFO's quality assurance program and found that DOE continues to adhere properly to a quality assurance program that implements the NQA standards. EPA found that the QAPD continues to be in conformance with the NQA requirements and that DOE's quality assurance organization properly performs internal audits and surveillance.

Site Inspections

EPA's final WIPP certification included the conditions that DOE waste generator sites may not ship waste to the WIPP until EPA approves: 1) the site's quality assurance program for transuranic waste characterization activities and assumptions; and 2) the transuranic waste characterization processes used at the site. Notices announcing EPA inspections or audits specific to the implementation are published in the *Federal Register*. EPA provides an opportunity for the public to submit written comments, for at least 30 days, on the waste characterization and quality assurance program plans submitted by DOE. These documents are placed in EPA's dockets in Washington, DC, and New Mexico. EPA's decisions on whether to approve waste generator site quality assurance programs and waste characterization systems are conveyed by letter to DOE and placed in the public dockets. EPA considers all comments regarding these inspections and does not make a final approval determination until the comment period has closed.

There are approximately 20 major sites across the country that store transuranic waste. CBFO determines which sites are eligible to ship waste to the WIPP and audits them for compliance with DOE requirements. As CBFO certifies each site, EPA inspects the site to determine whether it also meets EPA's certification requirements.

As of summer 2002, five major waste generator sites were approved by EPA to ship waste to the WIPP: (1) Los Alamos National Laboratories in New Mexico, (2) Rocky Flats Environmental Technology Site (RFETS) in Colorado, (3) Idaho National Engineering and Environmental Laboratory (INEEL), (4) Hanford Site in Washington, and (5) Savannah River Site (SRS) in South Carolina. In addition, the approval of the Central Characterization Project (CCP) to characterize SRS waste augmented the site's ability to characterize certain waste in an expeditious manner. These sites may ship transuranic wastes that are characterized using only EPA-approved processes.

In FY 2002, EPA expanded the approval of waste and appropriate waste characterization processes that can be used to characterize waste emplaced at the WIPP at SRS, LANL, INEEL, RFETS, and Hanford. The Agency will continue to inspect additional waste characterization processes at these and other transuranic waste sites as they come on-line. In addition, EPA will continue to conduct annual inspections of the WIPP site to ensure waste monitoring and emplacement activities are in compliance with the certification, as well as with 40 CFR Part 191, Subpart A requirements dealing with waste storage and management.

D. Alternative Provisions in the WIPP Compliance Criteria

The Compliance Criteria in 194.6, Alternative Provisions, allow the Administrator to revise the criteria, and establish the process to do so. Such revisions (called "alternative provisions") must be made in accordance with the notice-and-comment rulemaking process under the Administrative Procedures Act (5 U.S.C. 553). The process includes: a *Federal Register* notice describing how the alternative provisions comport with the disposal regulations; the reasons why the existing provisions appear inappropriate, and the costs, risks, and benefits of compliance in accordance with the alternative provisions; a 120-day comment period; public hearings in New Mexico; and a final rule published in the *Federal Register*.

Since our initial certification in 1998, EPA has conducted dozens of independent technical reviews, inspections of the WIPP facility, and inspections of the DOE's TRU waste generator sites around the United States to verify compliance with our WIPP disposal regulations. Based on this experience, we have determined that certain sections in the Compliance Criteria related to inspections of transuranic waste generator sites should be revised. We want to apply our experience regulating the waste generator sites to improve the Compliance Criteria, maintain equivalent regulatory controls, and focus our resources where they may be most effective.

Following the process established in 40 CFR 194.6, EPA has proposed the following alternative provisions:

- change the waste characterization program approval procedures to increase EPA's efficiency with inspection priorities, scheduling and resources;
- enhance the public participation process by allowing public comment on EPA's proposed approval of waste characterization programs;
- add a streamlined process to allow the Administrator to make minor revisions to the Compliance Criteria in a timely fashion;
- allow DOE to submit compliance applications and reference materials in alternative (non-paper) format; and
- make other minor changes to the criteria for consistency with the changes listed above.

EPA published the proposed alternative revisions in the *Federal Register* on August 9, 2002, which marked the start of a 120-day comment period. EPA held public hearings in New Mexico on September 24-25, 2002. After responding to comments received, EPA plans to issue the final revisions in the *Federal Register* in January 2004.

E. 40 CFR Part 191, Subpart A: Standards for the Management and Storage of Spent Nuclear Fuel, High-Level and Transuranic Waste

Subpart A of 40 CFR Part 191 contains EPA's environmental standards for the management and storage of spent fuel, high-level and transuranic waste at disposal facilities operated by the Department of Energy. For the WIPP, these standards apply to activities during the operational period of the facility, including when waste arrives at the above-ground portion of the WIPP, is unloaded and prepared for emplacement in the underground repository, and is lowered down the shaft and emplaced in the underground disposal rooms.

To implement Subpart A, EPA and DOE are following EPA's WIPP Subpart A guidance, issued in January 1997, which interprets the standard specifically for the WIPP. (See 62 FR 9188.) As recommended by this guidance document, DOE notified EPA when initial startup of the WIPP was expected. In March 1999, prior to start-up occurring, EPA performed an on-site inspection of the WIPP to verify DOE's start-up readiness and its ability to capture, measure, and calculate any potential releases during waste disposal operations. The EPA inspections found that the WIPP was ready to receive waste and that DOE was able to monitor compliance with Subpart A. Thereafter, EPA has performed Subpart A inspections on an annual basis.

In June 2002, EPA performed a Subpart A inspection to verify DOE's continued compliance with the Subpart A requirements. The inspectors found that DOE, through its contractor Washington TRU Solutions, had an effective radiation sampling program, calculated doses estimates adequately, and that the procedures and documentation were technically adequate.

In the future, DOE will continue to monitor the WIPP facility to detect any potential releases of radioactive materials. If any releases occur and cause radiation doses exceeding the Subpart A limits, then DOE will implement a "remedial plan" and submit monthly reports to EPA. Otherwise, DOE will report on compliance with Subpart A as part of the Biennial Environmental Compliance Report.

F. Compliance with the Resource Conservation and Recovery Act

Substantial portions of the wastes proposed for disposal at the WIPP are mixed waste, which contain both hazardous waste subject to the Resource Conservation and Recovery Act (RCRA) and radioactive wastes subject to the Atomic Energy Act (AEA). The WIPP, therefore, must also comply with regulations developed under RCRA. This section describes EPA's implementation of RCRA requirements.

EPA authorized the State of New Mexico to carry out the State's base RCRA program and the State's mixed waste program in lieu of the respective Federal programs. Therefore, the State issued and implements the RCRA permit for the WIPP. EPA's Region 6 office provides oversight and technical assistance to the State in implementing this permit.

Under the permit, the State of New Mexico audits the DOE inspections of the generator sites contributing waste to the WIPP. The State approves each site that demonstrates adequate compliance with the requirements in the permit and monitors DOE's audit program and documentation.

G. Compliance With Other Federal Environmental Laws

The Act requires DOE to submit documentation to EPA – and, where applicable, the State of New Mexico – every two years to demonstrate the WIPP's compliance with all applicable Federal environmental laws, regulations, and permit requirements, including: the radioactive waste management and storage regulations (40 CFR Part 191, Subpart A); the Clean Air Act; the Toxic Substances Control Act; the Comprehensive Environmental Response, Compensation, and Liability Act; the Solid Waste Disposal Act; and the Safe Drinking Water Act. This documentation must be submitted throughout the disposal and decommissioning phases of the WIPP. DOE provides this information to EPA in its "Biennial Environmental Compliance Report (BECR)." EPA (and, where applicable, the State of New Mexico) must make a determination of compliance with these statutes, regulations, and permit requirements within six months of receiving DOE's BECR. If EPA determines that the WIPP does not comply with any applicable Federal law, regulation or permit requirement, the Agency will require DOE to develop a remedial plan within six months of this determination.

The BECR for 2000-2002 was submitted to EPA for review on October 31, 2002. EPA issued a final determination on this report on May 9, 2003 (68 FR 25032).

IV. COMMUNICATION AND CONSULTATION ACTIVITIES

EPA continues to inform interested parties about its WIPP oversight functions and encourage public participation in the regulatory process.

In March 2002, members of EPA's WIPP staff traveled to Albuquerque and Santa Fe to meet with representatives of WIPP stakeholder organizations to discuss plans for a variety of technical issues regarding the WIPP. Most of the discussions centered around the recertification process to be initiated in 2004. EPA also briefed participants about the Agency's Proposed Alternative Provisions to the Compliance Criteria for the WIPP. The topics of interest to these stakeholder groups included: understanding certain program changes being considered by DOE; balanced public information about technical issues before EPA reaches its recertification decision; and meeting more often with EPA staff during the recertification process.

EPA's toll-free WIPP Information Line (800-331-WIPP) currently receives about 25 calls each month. The Information Line provides up-to-date, recorded information about public hearings and meetings, publications, and other WIPP activities. Callers may listen to recorded messages in English or Spanish, add their name to the WIPP mailing list, request a WIPP publication, or leave a question for EPA staff.

On September 24-25, 2002, EPA held Public Hearings on EPA's Proposed Alternatives to the Compliance Criteria for the WIPP. The hearings were held in Albuquerque and Santa Fe, NM.

In an ongoing effort to keep the public well-informed, EPA regularly places all pertinent information about the WIPP in the official docket at EPA Headquarters in Washington, DC and informational dockets located in Carlsbad, Albuquerque, and Santa Fe., New Mexico. Updated information can also be found at EPA's WIPP Web Site at: www.epa.gov/radiation/wipp. EPA also publishes Fact Sheets on the Agency's continuing regulation of the WIPP, and a periodic newsletter, the *EPA WIPP Bulletin*, which informs the public about EPA's continuing WIPP activities. For FY 2002, EPA issued WIPP Bulletins in early spring and late summer. They were sent to members of our WIPP mailing list, which currently has over 600 subscribers.

RAPT Summary
Waste Isolation Pilot Plant (WIPP) FY 2002 Report to Congress

Initiating AAShip:	OAR	SAN: 4761	SAN Assigned: 11/25/2002
Office in AAShip:	ORIA	Tier Level: 3	Tiering Approved: 03/13/2003
Division in Office:		RIN: 2060-AK79	Reg Agenda Priority: Informational / Administrative
This is a	Report to Congress	Workgroup Chair:	Ray Lee, 202-343-9463
Overall Action stage:	Final	Secondary Agency Contact:	
Include in Reg Agenda:	Y	OMB Status:	
Include in Regulatory Plan:	N	This action's next step:	
Major under SBREFA (CRA):	N	Deadlines:	

This action is in the Agency's Scout system. Any questions, please contact your RSC Representative.

Final for Administrator's Signature

Background: This Report to Congress is required by Section 23(a)(2) of the WIPP Land Withdrawal Act, which requires EPA to submit an annual report to Congress "on the status of and resources required for the fulfillment of the Administrator's responsibilities under the Act" regarding the Waste Isolation Pilot Plant (WIPP). This report summarizes the activities and progress EPA has made in fulfilling its responsibilities under the Act and outlines the resources required for the Agency to meet its commitments. The WIPP is an underground repository for the permanent disposal of radioactive waste generated as by-products from nuclear weapons production. It was constructed by the Department of Energy (DOE) and is located near Carlsbad, New Mexico. In 1998, EPA certified that the WIPP complies with EPA's radioactive waste disposal standards at subpart B and C of 40 CFR 191 and EPA's WIPP compliance criteria at 40 CFR 194, and thus is safe to contain radioactive waste. Since that time, the DOE has begun emplacing waste in the WIPP. The waste is stored approximately 2,100 feet underground in excavated, natural salt formations. EPA also has responsibility for assuring continual compliance with EPA's radioactive waste disposal standards. EPA continues to have an oversight role at the WIPP to ensure that it continues to protect human health and the environment. This Report summarizes EPA's activities past and present.

The FY2002 Report summarizes EPA's activities for FY2002 only. For a summary of past activities, one must refer to the appropriate Report to Congress.

Action Summary: This is a Report to Congress summarizing EPA's WIPP-related activities during FY2002.

Those activities were primarily inspections of DOE facilities which sent waste to the WIPP.

Regulatory Impacts

Environmental Benefits: NA

Compliance Costs: NA

Science/Economics: NA

Management: NA

Stakeholder Issues: NA

OMB Issues: This report was cleared by OMB in March 2002. OMB had only minor comments.

RAPT Contact: Thomas Gillis

Last Edited: 05/07/2004

Judith Lewis

To: Cassandra Eades/DC/USEPA/US@EPA

06/03/04 01:15 PM

CC:

Subject: AL-0400732 (Allen): Recontrol

Hi Sandy --

AL-0400732 (Allen) needs to be recontrolled to the Office of Air and Radiation for response. An interim response from OSWER is in the box to come to you.

Judith